



Federal Communications Commission
Washington, D.C. 20554

1800E3-JLB

ZGS Philadelphia, Inc.
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Suite 200
Washington, DC 20006

Harrisburg Television, Inc.
c/o Jerald N. Fritz, Esq.
Allbritton Communications Company
1000 Wilson Boulevard
Suite 2700
Arlington, Virginia 22209-3912

Re: WWSI-DT, Atlantic City, New Jersey
Petition for Rulemaking
Amendment of Section 73.622(i)
DTV Channel Substitution
File No. BPRM-20080619ALT
Facility ID No. 23142

WHTM-DT, Harrisburg, Pennsylvania
Application for Digital Construction
Permit
File No. BPCDT-20080620AGL
Facility ID No. 72326

Dear Counsel:

This is with respect to the above-referenced rulemaking petition filed by ZGS Communications, Inc. seeking to substitute DTV channel 10 for the assigned DTV channel 49 for WWSI-DT, Atlantic City, New Jersey, and the maximization application filed by Harrisburg Television, Inc. for WHTM-DT, digital channel 10, Harrisburg, Pennsylvania. Our engineering analysis shows that the proposed channel substitution facility for WWSI-DT is predicted to cause interference to 0.943% of the population within the noise limited contour of the facility proposed in the WHTM-DT application.

When the Commission lifted the freeze on the filing of DTV maximization applications and petitions for digital channel substitutions,¹ it announced that until the end of the statutory DTV transition on February 17, 2009, mutually-exclusive applicants would be provided a 30-day period of time to resolve their mutual-

¹ See "Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Digital Channel Substitutions, Effective Immediately," *Public Notice*, DA 08-1213, released May 30, 2008.

exclusivity via engineering amendment or settlement, rather than the 90-day period afforded by Section 73.623(h) of the rules.² Similarly, we also shorten the settlement period for rulemaking petitions and mutually-exclusive maximization applications that were received on or before June 20, 2008. If the parties resolve their mutual-exclusivity, we will continue the rulemaking process by issuing the appropriate order and will also continue processing the maximization application. If the parties are unable to resolve their mutual-exclusivity, we will dismiss the rulemaking petition and the maximization application.

Accordingly, the parties have 30 days from the date of this letter to resolve their mutual-exclusivity, either by entering into an interference consent agreement or proposing engineering solutions to eliminate the amount of interference. Submissions involving an application must be filed electronically on FCC Forms 301 and/or 340 using the Commission's Consolidated Database System ("CDBS") via the Internet from the Media Bureau's Web site at:

<http://www/fcc/gov/mb/cdbs.html>

or

http://fjallfoss.fcc.gov/prod/cdbs/forms/prod/cdbs_ef.htm.

Submissions involving a rulemaking petition must be filed with the Office of the Secretary and an electronic copy sent to joyce.bernstein@fcc.gov and ron.graser@fcc.gov.

Sincerely,

Clay C. Pendarvis
Associate Chief, Video Division
Media Bureau

² 47 C.F.R. § 73.623(h)(3).